

Rule 3.1.17 Domestic Violence Coordination Protocol

- (a) Purpose:** This rule sets forth the court communication and coordination protocol for Domestic Violence and Child Custody Orders as required by the California Rules of Court. This protocol is intended to avoid the issuance of conflicting orders when possible, and to permit appropriate visitation between a restrained person and the children who are the subject of a family, probate or juvenile proceeding, while providing for the safety of all victims and witnesses. Furthermore, the best interests of the children, litigants and the Court are promoted by early identification and coordination of proceedings involving the same children or the children's caretakers. To that end, this rule is also designed to promote the policy that all bench officers have information about the existence of overlapping cases. This rule recognizes the statutory requirement that a criminal protective order ("CPO") has precedence of enforcement over all other contact orders except in situations where the CPO is less restrictive than the contact order issued by another court. If a CPO permits exceptions allowing for peaceful contact pursuant to an existing or future court order of the family, juvenile or probate court issued to effectuate the safe exchange of children and permit court-ordered visitation, then such contact and visitation between a criminal defendant and a protected party or parties will be governed by the family, juvenile or probate court's contact order. If the CPO does not provide for exceptions for court ordered visitation by the family, juvenile or probate court, then the criminal defendant will be required to seek modification of the CPO from the criminal court before another court can allow such contact or visitation.
- (b) Court Communication:** It is this court's goal to coordinate domestic violence orders. It is the clerk's responsibility, upon any request for protective orders, to make reasonable efforts to determine if any such orders have already been issued to the same parties or children in any other department of the Santa Cruz Superior Court by accessing the court's case management system.
- (c) Avoiding Conflicting Orders:** The family court shall not knowingly issue a protective order in conflict with a criminal protective order ("CPO") of the criminal court, but it may issue a more restrictive order. If a conflicting order issues inadvertently, the orders of the criminal law proceeding shall have priority if the CPO is more restrictive.
- (d) Modification of Criminal Orders:** A court issuing a criminal protective order may, after review of any existing family, probate or juvenile court orders, modify the criminal protective order to allow or restrict contact between the criminal defendant and their children, spouse, or other protected person(s).
- (e) Coexisting Criminal, Family, Probate and Juvenile Orders:** A family, probate or juvenile court order may coexist with a criminal protective order, subject to the following:

1. Any order that permits contact between the restrained person/criminal defendant and their children shall provide for the safe exchange of the children and shall not contain language either printed or handwritten that violates a “stay-away” or a “no contact order” issued by a criminal court.
2. Safety of all parties shall be the Court’s paramount concern. The family, probate or juvenile court order shall specify the time, day, place, and manner of transfer of the children, to the extent required by Family Code section 3100.

(f) Issuance and Enforcement of Restraining Order: Upon granting or relief (through initial petition, modification, or termination), the clerk shall convey within 24 hours a file endorsed copy of the order to the Santa Cruz County Sheriff’s Department for input into CLETS (a statewide computerized registration system for restraining orders).

(Eff. 7/1/24)